IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1310 OF 2006

Mr. Anand Mahindra and anr. ...Appellant
vs.
State of Maharashtra and anr.
....Respondents

Shirish Gupte, Senior Counsel for the Appellant

CORAM: D.B. BHOSALE, J.

JUNE 29, 2006.

P.C. :

1. Heard learned counsel for the State.

2. The application is directed against the order of issue of process in Complaint Case No. 2820/SEM.2005 pending before the learned Special Metropolitan Magistrate, 26th Court, Borivali, Mumbai.

3. The applicant has approached this court directly without exhausting an afficacious remedy of revision available under

section 297 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This court in **V.K. Jain and Ors vs. Pratap V. Padode and Anr. reported in 2005(3) Mh.L.J. 778** while dealing with similar application considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this application/petition is disposed of with liberty to the applicant to file revision before the appropriate court against the order impugned in the instant application. (within two weeks from today). If such revision is filed same may be considered in accordance with law.

All contentions are left open.

sd/-

(D.B.BHOSALE, J)